

**ASSEMBLY BILL**

**No. 629**

**Introduced by Assembly Member Oropeza**

February 19, 2003

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An act to amend Section 5440 of, and to add Section 5442.12 to, the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 629, as introduced, Oropeza. Outdoor advertising.

Existing provisions of the Outdoor Advertising Act regulate the placement of off-premise advertising displays along highways, which generally are displays advertising business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located. The act generally prohibits advertising displays along landscaped freeways, but provides specific exemptions from that prohibition for displays in certain communities. A violation of the act is a misdemeanor.

This bill would expand the provisions providing an exemption from the prohibition against advertising displays along landscaped freeways to include any advertising display located on public property owned by a city, county, or school district that meets certain conditions.

Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of this act to enhance the business  
2 climate within the jurisdiction of cities, counties, and school  
3 districts to create a new source of revenue for those local agencies.  
4 SEC. 2. Section 5440 of the Business and Professions Code  
5 is amended to read:  
6 5440. Except as *otherwise* provided in ~~Sections 5441, 5442,~~  
7 ~~5442.7, 5442.8, 5442.9, 5442.10, and 5442.11~~ *this article*, no  
8 advertising display may be placed or maintained on property  
9 adjacent to a section of a freeway that has been landscaped if the  
10 advertising display is designed to be viewed primarily by persons  
11 traveling on the main-traveled way of the landscaped freeway.  
12 SEC. 3. Section 5442.12 is added to the Business and  
13 Professions Code, to read:  
14 5442.12. (a) Section 5440 does not apply to any advertising  
15 display on public property owned by a city, county, or school  
16 district that meets all of the following conditions:  
17 (1) The display does not result in a concentration of displays  
18 that have a negative impact on the safety or aesthetic quality of the  
19 community as determined by the governing body of the local  
20 jurisdiction.  
21 (2) Placement or maintenance of the display does not require  
22 the immediate trimming, pruning, topping, or removal of existing  
23 trees to provide visibility for the display, unless done as part of the  
24 normal landscape maintenance activities that would have been  
25 undertaken without regard to the placement or maintenance of the  
26 display. However, any tree or foliage removed at any time to  
27 provide visibility to a display shall be replaced with equivalent  
28 trees or foliage at the expense of the owner of the display.  
29 (3) The display does not cause a reduction in federal aid  
30 highway funds, as provided in Section 131 of Title 23 of the United  
31 States Code.  
32 (b) Notwithstanding any other provision of this chapter, no  
33 outdoor advertising display shall be placed or maintained adjacent  
34 to any interstate or primary highway in violation of the national  
35 standards promulgated pursuant to subsections (c) and (f) of



1 Section 131 of Title 23 of the United States Code, as those  
2 standards existed on November 8, 1967.

3 (c) No advertising display authorized under this section shall  
4 advertise products or services that are directed solely to an adult  
5 population, including, but not limited to, alcohol, tobacco,  
6 gambling, or sexually explicit material. Nothing in this article  
7 shall be deemed to abrogate any provision of the Stop Tobacco  
8 Access to Kids Enforcement Act, Division 8.5 (commencing with  
9 Section 22950).

10 (d) Any advertising display authorized under this section shall  
11 require the removal of an existing display to prevent an increase  
12 in the number of advertising displays.

13 SEC. 4. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.

